



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

July 17, 2019

Casey Reeves, Project Coordinator
BOEM, Office of Renewable Energy Programs
45600 Woodland Road, Mailstop: VAM-OREP
Sterling, VA 20166
RE: Docket No. BOEM-2018-0067

Dear Casey:

Please accept these comments from the New England Fishery Management Council (Council) on the Commercial Renewable Energy Transmission on the Outer Continental Shelf Offshore New York and New Jersey; Notice of Proposed Grant Area and Request for Competitive Interest (RFCI). The Council is writing in response to BOEM's request for public input regarding the proposal, its potential environmental consequences, and other uses of the area in which the proposal would be located. The Council has a number of concerns about Anbaric's Right of Way/Right of Use and Easement (ROW/RUE) grant request and development proposal, and the unplanned and unclear way in which new electricity transmission facilities could be developed on the Mid-Atlantic Offshore Continental Shelf (OCS). Please note that while these comments respond to Anbaric's proposal specifically, most of them would still apply should a different developer be granted a ROW/RUE for transmission in this region, or, for that matter, in the New England region, should such a project be proposed in the future.

The New England Fishery Management Council has primary management jurisdiction over 28 marine fishery species under nine FMPs in federal waters and is composed of members from Connecticut to Maine. In addition to managing these primary fisheries, the Council has enacted measures to identify and conserve essential fish habitats and protect deep sea corals. The Council supports policies for U.S. offshore wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While the Council recognizes the importance of domestic energy development to U.S. economic security, we note that the marine fisheries in Southern New England and the Mid-Atlantic are profoundly important to the social and economic well-being of communities in the Northeast US and provide numerous benefits to the nation, including domestic food security. In this letter, we have focused on aspects of the RFCI that are most relevant to our fisheries resources, habitats, and stakeholders, as well as the fishery-independent surveys necessary for effective fisheries management.

Concerns with Commercial Renewable Energy Transmission on the OCS

The RFCI and Anbaric's proposal raise a series of concerns for the Council.

- The potential phased build-out of new subsea cables and associated Offshore Collection Platforms (OCPs).
- Lack of clarity about exactly where and when each section of Anbaric's proposed cables and OCPs would be constructed.
- The possibility that Anbaric could build transmission cables and OCPs which are never used, if wind farm developers decide to build their own transmission cables.
- The possibility that Anbaric and competitors could build duplicative infrastructure. This potential for competing transmission systems is implied by BOEM in the RFCI and Anbaric in its proposal, by nature of the non-exclusive access of the ROW/RUE, should it be granted. The map provided by BOEM here: https://www.boem.gov/uploadedImages/BOEM/Renewable_Energy_Program/State_Activities/Anbaric_NOAA_Chart_Poster_6_20_2019.jpg illustrates Anbaric's proposed cable routes overlaid on Atlantic Wind Connection's proposed cable routes.
- Any duplicative infrastructure built on the OCS, including subsea transmission cables and offshore collection platforms, will result in completely avoidable, unnecessary negative impacts on fisheries resources, fisheries activities, and research necessary for effective fisheries management. This would be a completely unacceptable outcome and should be avoided at all costs.

NEPA Review and Alternatives Development

The Council requests that BOEM carefully develop a set of alternatives for analysis during its NEPA review of Anbaric's ROW/RUE grant request. Specifically, we ask that BOEM include a No Action alternative (leaving development of transmission infrastructure to each wind farm developer). This alternative should receive careful analysis and serious consideration, as it could result in the least amount of new infrastructure being constructed offshore. The Council also asks BOEM to include a series of alternatives that specify sub-sections of Anbaric's proposal, rather than the entire proposed set of OCPs and new subsea cables. Staged implementation of the transmission backbone would ensure that this infrastructure does not get too far ahead of the wind farms it is designed to service. To avoid duplicative infrastructure, has BOEM considered granting an exclusive ROW/RUE to Anbaric's or another transmission project? This would help to ensure subsea cable and OCPs are located in the most efficient way to serve all energy generation projects that could be constructed offshore NY and NJ. If BOEM maintains the non-exclusive nature of the ROW/ROE, what would prevent the development of duplicative infrastructure? Either way, the NEPA analysis should consider a sufficiently broad range of alternatives, including the cumulative effects of multiple sets of transmission lines and OCPs, if appropriate.

At the point at which Anbaric or any other developer seeks a permit to construct a transmission system, the Council strongly encourages BOEM to prepare a complete and thorough Environmental Impact Statement review of the impacts of such long-term infrastructure. This would be consistent with the level of review conducted for recent projects combining generation and transmission (e.g. the Vineyard Wind project, or the South Fork Wind Farm). Most importantly, throughout its NEPA review proceedings, BOEM should put a high premium on

minimizing the total amount of new infrastructure required to meet offshore wind energy development goals.

Fisheries Management as a Distinct Use of Marine Areas and Fisheries Managers as Stakeholders Separate and Additional to Fishermen

The area under consideration in the RFCI encompasses important fishing grounds. As a result, fisheries management and essential fish habitat protection are ‘uses’ of the marine area that must be considered during environmental review. In particular, the Council asks that BOEM recognize research surveys in service of fisheries management as a high priority use of the OCS and to prioritize the need for towable seafloor as needed for RV Bigelow and other research vessels, including those vessels that conduct scallop and surfclam/ocean quahog surveys throughout the NY Bight. In general, the Council encourages BOEM to engage fishery management and research stakeholders as well as commercial and recreational fisheries stakeholders in consideration of the RFCI and during related NEPA review.

Fisheries Uses of the OCS

The Council encourages BOEM to carefully evaluate both current, past and potential future use of the OCS by commercial and recreational fisheries in considering the ROW/RUE for offshore transmission facilities. We request that BOEM use all available information on where fishing activity, including transit, has occurred in recent years, and to carefully consider limitations of specific datasets, especially the AIS data, which only represents a minority of fishing vessels. The Council advises BOEM to consult closely with staff of NOAA’s Greater Atlantic Regional Fisheries Office with expertise in analyzing and interpreting spatial information about current and past fisheries and fisheries research activities. Development of transmission projects should consider the results of ongoing discussions regarding fishing and other types of vessel transit in the NY Bight, including studies conducted by the United States Coast Guard.

BOEM must consider socio-economic impacts on all fishing vessels and businesses that use the areas included in the ROW/RUE grant request lease blocks, not only those vessels homeported in New York and New Jersey. While we believe that BOEM is aware of the regional nature of fishing activity, the outreach activities identified in Anbaric’s proposal appear to focus mainly on New York and New Jersey stakeholders. Given current and recent fishing activity in the areas, and the fact that most of the transmission infrastructure is buried in the seafloor, bottom-tending fisheries would likely be the most impacted by new sub-sea cables. Of concern in this location are the squid, sea scallop, surfclam, and ocean quahog fisheries. In addition to vessels from New York and New Jersey, vessels from Connecticut, Rhode Island, and Massachusetts are known to fish in the ROW/RUE grant request areas. NMFS 2018 analyses of potential Wind Energy Areas in the New York Bight, adjacent to the ROW area, indicate that New Bedford, Massachusetts, is the most important port in terms of ex-vessel revenues from landings. See here for more information: http://www.mafmc.org/s/NY-Bight-Call-For-Information_NMFS-Comments_June-2018.pdf and http://www.mafmc.org/s/BOEM_NY-Bight_NMFS-Supplemental-inf.pdf.

Future Use Patterns on the OCS

The Council encourages BOEM to utilize the best available scientific methods for projecting potential future fisheries and fisheries research activities if wind farms and transmission corridors are installed and operational. BOEM's NEPA review of proposed offshore transmission facilities should carefully consider cumulative impacts of wind farm development within all current and potential future WEAs (e.g. NY Bight call areas). Development of wind farms within current and likely future lease areas will result in a displacement of fishing activity, likely changing patterns of activity within Anbaric's proposed project area. NOAA Fisheries researchers are currently engaged in data management and analysis projects aimed at supporting these type of future scenario analyses. The Council encourages BOEM to consult with Eric Thunberg, Chief Social Sciences Branch, 508-495-4703, Eric.Thunberg@noaa.gov, NEFSC 166 Water Street Woods Hole, MA and Douglas Christel, Fishery Policy Analyst, 978-281-9141, Douglas.Christel@noaa.gov, GARFO 55 Great Republic Drive Gloucester, MA on their ongoing research of this topic.

Conclusion

The Council is concerned about the lack of clarity and understandable process for determining whether, where, and when electricity transmission facilities could be developed on the OCS and we appreciate the opportunity to provide comments to inform BOEM's careful review of Anbaric's ROW/RUE grant request. We ask BOEM to prioritize the needs of current uses of the OCS in considering this request, including fisheries resources, habitats, commercial and recreational fishing, and the scientific surveys necessary for effective fishery management decision-making.

In closing, we emphasize that any duplicative infrastructure built on the OCS, including subsea transmission cables and offshore collection platforms, will result in completely avoidable, unnecessary negative impacts on fisheries resources, fisheries activities, and research necessary for effective fisheries management. This would be an unacceptable outcome and should be avoided at all costs.

The Council looks forward to working with BOEM to ensure that any new infrastructure does not incur unnecessary negative impacts on fisheries resources and fisheries and does not inhibit the ability of the Council and NMFS to effectively manage the region's fishery resources.

Please contact us if you have any questions.

Sincerely,



Thomas Nies
Executive Director